1: Coon E-5 (1926-1927) 1931 MX3 Rif MX3

627 of the men affected, and may thus start a feud which will end in killings, after which it becomes the concern of the councillors to render justice.

In regions where the Arab form of government has supplanted the indigenous type, such affairs are decided by the sheikh.

DUTIES OF THE COUNCIL OF THE GREAT

623 This council, which is the governing body of the *canton*, does not convene as often as the village council, but comes together only in market and when some occasion demands it, its moderator then sending for the members. In *cantons* which have no markets, the council of the great has no regular meetings.

Supporting the village council. If anyone who has been fined by the village council refuses to pay it, that body sends a messenger to the moderator of the council of the great. The moderator sends for the members, who come armed to a place previously agreed upon and proceed in a body to the house of the offender. There they assess upon a him fine several times that originally imposed, amounting usually to between fifty and two hundred dollars, depending on the offense.

623 692 [683] *Theft of livestock.* A man who has stolen sheep, goats, cattle, donkeys, mules, or horses is summoned before the councillors and fined between a hundred and two hundred dollars, besides being forced to restore to his victim the animals stolen, in cash or in kind. The theft of camels does not incur jurisdiction because of the lawless condition of the nomads who own them. Such a theft simply results in a fight.

[683] *Fighting with sticks.* The councillors decide which of the parties is at fault and fine him fifty dollars. If the *bone* of the injured man is a strong one, the councillors force the culprit to bring a goat, bread, tea, and sugar and go with them to the house of the injured man to present him with a feast. Such a feast, provided by visitors to the house, is a strong act of [689] compulsive magic and cannot be disregarded. The recipient of such a favor must grant any request made and cease enmity against the giver. If the *bone* of the injured man is weak, no precaution of this nature is necessary.

[683] *Shooting at a man but missing him.* He who shoots at another without hitting him must pay a fine of one hundred dollars to the councillors.

[689] *Speaking to women in market.* This offense is considered greater than that of speaking to women in any other place. It is settled by the councillors of the *canton* in whose territory the market is held, and is punished by a hundred dollar fine.

Entering a women's market. For a man to enter a market which is restricted to women is an offense as serious as that of speaking to a woman in a common market, if not more so. It is punished by a fine of a hundred dollars, paid to the councillors.

623 692 684 *Adultery which the injured husband does not discover in the act.* If a husband hears that his wife has been unfaithful, but did not actually witness such an event, he is not allowed to kill the suspected man without incurring the penalty for ordinary murder. He has the privilege of bringing the matter before the councillors, who fine the suspect, if they are reasonably sure of his guilt, between a hundred and two hundred dollars. They forcibly divorce the woman from her husband, and forbid her to remarry him or any other man. Women so divorced return to their parents to live. Such a woman often becomes a prostitute, plying her trade with the greatest secrecy possible. If she is caught doing this, the

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man with whom she is involved is punished just as was the first convicted offender. If she has been publicly exposed several times as a prostitute, the men of her *bone* kidnap her, carry her into the mountains, and there kill her and hide her body. No notice is taken of her absence, and if the councillors hear about the affair they pretend not to have done so.

If a woman catches her husband in the act of adultery with another woman, she ordinarily goes back to her own people and tells them of it. The men of her family, her father, brothers, or paternal uncle, may bring the matter up before the councillors and have the husband fined and divorced. In many cases, however, the men of her *vein* persuade the woman to do nothing about it, thinking that to make a commotion would only cause the disruption of the *bone*. In case the woman has married outside her *bone*, whether or not action takes place depends largely upon the respect which her own *bone* has for that of her husband. In any case, the sacramental defilement of the man is not considered as great as that of the woman in the opposite situation.

Blood money. Although murders, woundings, and adultery caught in the act are offenses beyond the jurisdiction of the council of the great and are relegated to the tribal council, one consequence of them falls directly upon the councillors. This is the assessment and collection of the *diith*, or blood money. Whereas the tribal council has the right to impose the fine, the council of the great has charge of compensation to the injured family. This takes place after the tribal council has finished its judgment and punishment. Murder is atoned for by the payment of a sum between one and five hundred dollars. The amount varies from *canton* to *canton*, but within a *canton* is constant and inflexible. Wounds are paid for at the rate of twenty-five dollars a month for each month of convalescence, until the injured man is able to work again.

The man who committed the crime pays, if he is able. If he is unable to raise the money by selling his property, the *bone* pays. In some *bones* the group as a whole always pays, whether the guilty one is able to raise the money or not; in others a man other than the guilty one pays, with the understanding that he is to receive the total of the next blood-money payment to his *bone*.

In the *bones* which pay individually, receipts are given to the children of the deceased, and if he left no children, to his father. Children receive the money on the basis that one boy is equal to two girls. If the deceased leaves neither children nor father, it is divided among the members of the *bone*. Many *bones* refuse altogether to receive blood money, preferring to take it out in blood by killing a member of the hostile *bone*, in which case, after the punishment of the tribal council is finished, the account is considered by the councillors as settled. Frequently the injured *bone* accepts the blood money, then suffers a revulsion of feeling and takes blood vengeance in addition, in which case it is required to return the payment.

Murders within the *bone* rarely occur, and are considered unnatural crimes. No blood money is assessed, because such an offender is instantly killed by his own people if he is unable to escape. A man fleeing such a crime will not be harbored by any Riffian, and must continue until he has left the Rif altogether. Even in this case he must take care to go to some place to which Riffians do not ordinarily travel, lest revenge overtake him later.

Attending weddings outside the canton. Another duty of the council of the great, this time of a bloodless nature, is to attend weddings of other councillors or their sons in other *cantons* or *fifths*. This is done in order to foster friendly relations between the two groups.

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The councillors go in a body, taking with them twenty or more girls adept at singing and dancing, hired musicians, a bull or cow, two or three mules laden with bread, and quantities of tea, sugar, and candles. The cost of the presents and the fees of the musicians are paid out of money collected in fines.

DUTIES OF THE TRIBAL COUNCIL

The task of the tribal council is to render judgment, exact fines, and destroy property in cases of adultery caught in the act, murder, and woundings; to make decisions as to tribal alliances in warfare; and to interfere with internal fights in other tribes.

Adultery caught in the act. A husband who surprises his wife in the act of adultery has the traditional privilege of killing the man, removing his genitals and placing them in the mouth of his corpse, killing his wife, and ripping her from pubis to diaphragm with a knife. This action is a privilege and not a duty. Many husbands are physically unable to do so; others are disinclined; still others mutilate their wives by cutting off the fleshy parts of their noses and let them go. One instance is known in Gzennaya of a man who thrust live coals into his wife's vagina and then released her. In at least half the cases, recently at any rate, no revenge is taken on the woman, her divorce and disgrace being considered ample punishment.

When the members of the tribal council hear of this event, they leave whatever they are doing and go as rapidly as possible to the adulterer's house. This they burn; they impose a fine of one thousand dollars or thereabouts, depending on the usage of the tribe, and on the importance of the *bone*. The fine is accepted either in cash, livestock, land, or in all three. When land and livestock are taken they are sold on the spot, not by bidding but by arbitrary prices, fair to the victim, placed on each animal or portion of land. If the proceeds of the sale exceed the amount of the fine, the balance is returned to the *bone* of the adulterer. If the adulterer and the adulteress belong to different *bones* the burden of the fine is shared between the *bones*. If the adulterer has survived the vengeance of the injured man he must leave the tribe forever. Women who survive go back to their families, forcibly divorced and forbidden to marry again.

After the cash of the fine is in hand, it is divided among the *fifths*, each receiving an equal share, to be divided evenly among each *canton* composing the *fifth*. Thus the *canton* of the offenders receives back a portion of the money which some of its members have paid. It often refuses to accept this, in which case the money goes to the actual payers. *Cantons* friendly with that of the adulterer may likewise refuse to accept, and their money too is returned.

Wounding. When one man wounds another, the tribal council comes to the offender's house and exacts a fine of five hundred dollars after questioning the councillor or councillors belonging to the offending *bone*. The fine is always paid by the *bone* as a whole, whether the blood money is or not.

Murder. When one man murders another, whether or not in retaliation for a previous murder, the tribal council comes to his house, which it burns, providing it dares to. It cuts down the fruit trees and inflicts a fine of a thousand dollars. If the man and his *bone* refuse to pay the fine and resist the burning of the house or the cutting of the trees, the members of the tribal council attack them. This fight may last anywhere from a half hour to several months, and may turn into a war. If the *bone* which has refused has no allies, it seldom wins,

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sales, although it is difficult to stamp out private transactions.[1] Boy markets are found in the Western Arabophone Senhaja, Ghomara, and Ktama (also, of course, in the rest of the so-called Jebala, and centered at Sheshawen and in the tribe of Beni Zerwal).

[1] The whole Jebalan area is permeated with this type of sexual depravity, which is practiced without mutual shame or any attempt at concealment. In the Rif persons sometimes live and die without knowledge of its existence, and those who have travelled and seen it cannot mention it at home without falling into disfavor. It was punished during the recent war, in at least two known instances, by soaking the culprits in gasoline and burning them alive.

This perversion, the only form known in this region, is accompanied in the Jebala by a low esteem for women, who perform the more arduous tasks of agriculture which in the Rif are done by men. A frequent sight in the Jebala is a troop of women marching long distances loaded down under heavy bundles of charcoal and other burdens, which in the Rif would be carried by mules or donkeys.

Bride purchase, a trait common to all Moroccans but the Jews, is in the Jebala literally applied, since here the wife becomes a definite chattel of her husband, not usually the case elsewhere.

The atmosphere created by this combination of cultural factors is in striking contrast to that of the Rif, which, although primitive, is wholesome and vigorous.

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The *thārfiqth* is bound together not only by recognized kinship ties, but by those of common interest as well. The strongly cohesive character of the group as a social and an economic unit is reinforced by the institution of the levirate, in which a man marries his brother's widow and by that of the sororate, in which a widower marries his wife's sister; but there is no sororal polygyny, which is forbidden by Islām. The frequency with which the levirate, in particular, occurs can probably be correlated with the prevalence of blood feuds in the Rīf; it was a strong factor in reducing to a minimum disturbances of equilibrium within the group caused by the loss of one of its members. Polygyny in Aith Wuryāghil appears to been more often a result of the function of the levirate than a matter of personal choice, for most Wuryāghlis are monogamous through economic necessity; (7) the only cases of polygynous marriages which I know of personally are, generally speaking, those of important tribal functionaries: *jārīs, mugaddams, shaikhs, qā'ids* and *qāḍīs*. The status of women is much the same as in other tribal areas of the Muslim world; in day to day life, the wife is her husband's companion in the house and in the fields, and in the old days she even followed him into battle if necessary. She is given maximum consideration during motherhood, particularly when she presents sons to her spouse to continue the martial tradition of the group. Although she goes about unveiled, her husband is exceedingly jealous, and adultery caught in the act is still punishable by death.

The size and power of the *thārfiqth* is augmented by landless strangers who have emigrated from their own villages or tribes or fled from them because of some crime they have committed. These strangers contract work as *ikhammāsen* for the *jājghū* heads, and in time they may marry the latters' daughters. In this case the incipient *jājghū* which is formed when children are born is matronymic, taking the name of its mother rather than of its father because of his lack of prestige; rules of residence are then matrilocal, by the same token.

(7) Coon, Carleton Stevens: **Tribes of the Rif**, Harvard African Studies, vol. IX, Cambridge, Mass., 1931. Coon gives **awar** (properly **azwar**), or «vein», and **ighs**, or «bone», corresponding to **jajghu** and tharfiqth respectively, as the fundamental Riffian social units. The difference between his terminology and mine may be due to the fact that the bulk of his data comes from Giznaya. In Aith Wuryaghil the word **ighs** refers only to a bone in the body and emphatically not to a social grouping.

anyone, not even their families, nor can they leave their house to work, visit or travel, attend feasts, markets[39] or saints' tombs, without previous authorization from their husbands, who tell them how long they may stay away from home. A man may correct his wife's faults in any way he wishes, and if she is guilty of adultery, he may kill her[40]. If he has more than one wife, he sleeps with each in turn.

e) Concept of Turns:—(The notion of "turns" and of "doing things in or by turn" is a cardinal one in Rifian society.) There are "turns" of gift-giving (r-ghramth) at weddings, of the allocation of power (political hegemonies of families and even of tribes), of (usage of irrigation) water, or corvees (twiza), of theft (dhukkardha), of vengeance or reprisal (ar-raqba[41]), for (taking barley to) the fqih, or harkas (war-parties or punitive expeditions), of pasturage (dhwara)[42], and even of plows and animals during plowing time (if, as often was the case during the "Republik", there was only one pair of animals in the community). Rifian society is, thus, a turn-based society, and the term nubth (pl. nubath), in Rifianized Arabic, is so widespread as to include the inhabitants of a village.[43]

The case may be cited of a restless ex-qa'id (tribal chief under the Spanish administration) who, desirous of returning to power, constantly pestered the administration with suggestions that he be readmitted to office. As is logical and as a good Rifian, he wanted to be able to make a resounding exit, with his head held high, if he did not get the job. He wanted a responsible position in the regional government of the Territorio del Rif (in al-Husaima, then Villa Sanjurjo), and when he finally realized that his accusations

684 As to adultery, in Kabylia and the Rif, the offending woman is killed,
171 while the Braber of the Middle Atlas and the Bedouins of Mauritania take care of the matter with a fine.

I recall hearing of young Rifian women "martyrized", roasted over a fire, whipped, enchained, hung from the main beams of their
562 houses, or with a pick stuck in their heads[65]. Women do not inherit
428 in Kabylia, nor even in the Rif, in practice; if they do, it is in
171 lesser proportion, and only in movable property. Among the Aith Ndhir of the Middle Atlas, on the other hand, a woman and her daughters can be inherited, and even Muslim law has not done much (1935) to modify this fact in that tribe.

562 Women are divorced whenever their husbands want to divorce
586 them, and they are even put in the position of being neither single
582 nor married, i.e. a general or conditional prohibition of marriage.
[171] A woman's husband must give her authorization to marry again, even though he is separated from her; this happens often in Kabylia and
562 is not rare in the Rif. Custom gives women the right of <u>insurrection</u>
586 (Blanco's italics) or refuge in their fathers' homes or in a <u>zawiya</u>
708 (residence of a virtuous or holy personage, and invariably associated
623 with a saint's tomb); and it gives their husbands the right to complain
[171] to the <u>jma'th</u>, a right which women cannot exercise themselves in Kabylia and which they can in the Rif and among the Berbers of the Middle and Central Atlases, although, however, they must make such complaints at a respectful distance from the council meeting or rather
627 through crying them out. This is always preferable to registration
171 of complaints through a Kabyle intermediary or a Muslin <u>ukil</u> (legal
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681 H) Sanctions: Further Notes (fragmentary):

1) Punishment: fine, exile, or death of person responsible, whether an individual or a family group[55].

[671] 2) Gradation: variable, according to stipulations in the various
[672] qanuns[56]. Rifian law recognizes the same degree of responsibility in his accomplices as in the man who actually committed the crime, by assimilating them with his kin group[57].

681 3) Victim: receives no indemnity, except through what he or
613 his kinsmen get as their share of the fine, which is equitably dis-
[571] tributed among all the representatives of the dharfiqin[58], thus appearing more than anything else as a payment for services rendered; and the dharfiqin heads divided it up in the same way among their constituent nubath[59]. Thus, if the Rifian is encumbered with the responsibility of executive power[60] (all are obliged to stand against an aggressor), he still participates in the benefits of such power in a true popular sovereignty, and he never cedes his rights or duties.

000 4) Role of Jma'th in Application of Custom: to influence matters or conceal them, by money, force or politicking behind the scenes. Agrau or assembly of the aitarba'in; assessors and arbiters (tulba, shurfa and imrabdhen); role of liffs (aid to their liff-mates in payment of fines, etc.) (This subsection is completely fragmentary.)

682 In summation, three kinds of offenses were punished:
683 1) murder and woundings, with corresponding fines, and vengeance;

683 2) abuse of women (if voluntary on their part, each party had to
684 pay 50 duros, and if it was purely and simply rape, the guilty man paid 50 duros);

223 Nests and young birds are not respected, and are taken just as adults are.

224 In the mountains (Jbil) of the Aith Waryaghar, when a hunter (anigmar, pl. inigmarn) going over snow follows the tracks of an animal to a thicket or cave, he walks around it, leaving his footprints and making a circle in order to show that it is his property and that he will explore it on his return. Any other hunter or party respects this. Any animal which falls within the radius of action of the weapon used[68] is the property of whoever killed it.

671 b) Personal Law: If a woman accuses someone of dishonest
684 abuse to her person, her testimony is admitted....A woman who is illegally pregnant pays 50 duros from her own property as a fine. If she was forced against her will, and the man who forced her appears, he pays. If she submitted to him willingly, he and she each pay 25 duros[69]. If she has no property, her brothers or male agnates pay[70].

685 c) Fine for Theft inside a House: 50 duros. If there is no
695 proof, five adult and trustworthy agnates of the accused must swear to his innocence[71], at least if they have publicly announced in the market not to make themselves jointly liable.

688 d) Whoever fails to provide food for the fqih when his turn
793 comes up to do so must pay 2 pesetas[72].

685 e) A herdboy who has animals stolen from him while in
231 dhwara[73] must pay for them if he has not seen them stolen. The same holds true for injuries which the animals might suffer....Whoever does not pasture the animals of his jma'th when his turn comes up pays 2 pesetas and one loaf of bread, and has to give a meal to the person who does it for him, or to the jma'th if no one does so.

000 does it for him, or to the jma'th if no one does so.

684 f) Anyone who commits an act of bestiality must pay for the fodder of the assaulted animal for one day; and among the Aith Waryaghar, he must pay for its packsaddle as well as a 50-peseta fine, and he is cursed by the market crier in the market[74].....

2) Among the Aith 'Ammarth:

685 a) A blacksmith of....asked the qadi for a room to live in. It was given him, and in it he raised chickens, which began to eat the qadi's barley. The qadi claimed compensation from him, saying that he had to kill the chickens and leave the house. He refused to do so, 685 692 and made a reclamation to the shaikh, who said he was in the right. Then a member of the qadi's family poisoned all the chickens, and the blacksmith complained to the mqaddim. The jma'th, as a result, met in the mosque and fined the qadi 18 duros, of which the blacksmith received only two or three.

582 b) In the village of Aith Finathen, clan of Aith r-Hasayin, one 'Amar nd-Hajj Sriman, a rich man, married his daughter to Muhammadi n Si Siddiq nd-Hajj Sriman, a poor man and one of his agnates (i.e. his 682 [619] brother's son), in order to keep him as a servant[75]. The young man eventually killed his uncle. The tribal council was convoked, and its members punished the dead man's sons by imposing a 6000-peseta fine on them; and they in turn killed Muhammadi and paid another fine....During 662 623 his lifetime, 'Amar nd-Hajj Sriman, as well as his five brothers, had on various occasions paid 400 duros to the jma'th to excuse themselves from participation in tribal wars.

661 c) A poor man made a goatherd of one of his younger in-laws,

684 554 203 626 74--In the Aith Waryaghar, anyone who indulged in bestiality became the object of extreme derision; and as a market crier himself is a person of very low social standing, this in itself would have rubbed more salt in the wound.

000 75--Marriages with parallel cousins occur, but they are uncommon. In this particular instance, there was a good reason for it, as Blanco points out.

76--These cousins, again as indicated in note 17, were the boy's r-waratha, who could normally have inherited only if the boy's father had either died without issue or if he had left a daughter or daughters only. It is un-Qur'anic enough for the r-waratha to appropriate, as [671] they often try to do, a daughter's share of the inheritance as well as their own, but for them to take over a son's share is expressly forbidden by the Shari'a, and may be regarded, in this instance, as the purest personal aggrandizement.

[114] 77--This should probably read "to one's tribe", as the notion of other tribes hardly enters the picture here. Except under an 'Abd al-Krim, how would it have been, or be, possible for a man of the Igzinnayen, for example, to feel any responsibility for a man from the Aith Waryaghar? This error may be due to a typographical error in the original text.

[682] [114] 78--One could hardly label a sanction of 2000 duros for murder committed in a market as indicative of "lack of repressive organs". It is statements of this kind, which continually crop up, that, in conjunction with numerous factual errors, cast a small but ever-present cloud over Blanco's work, and mark him as an amateur ethnologist.

79--See La Ley Rifeña, pp. 47, 50.